

**RESOLUTION NO. 693**

**RESOLUTION TO CREATE A ZONING DISTRICT FOR  
MOUNTAIN VIEW ORCHARDS**

WHEREAS, a petition dated January 14, 1994 was filed with the Clerk and Recorder requesting a voluntary zoning district for the Mountain View Orchards area; and

WHEREAS the Clerk and Recorder confirmed that the petition was signed by 80% of the owners of real property in the Mountain View Orchards Zoning District; and

WHEREAS following proper legal notice, a public hearing was held on February 18, 1994 to take comment on the proposed district and regulations; and

WHEREAS the BOARD OF COUNTY COMMISSIONERS passed a resolution on March 7, 1994 with the intent to create a zoning district, and following proper legal notice of said resolution, received no objections from any owners of real property in the Mountain View Orchard Zoning District;

NOW THEREFORE BE IT RESOLVED that the BOARD OF COUNTY COMMISSIONERS hereby creates Zoning District No. 32, said district is more particularly described in Exhibit "A" attached hereto and with reference made a part hereof.

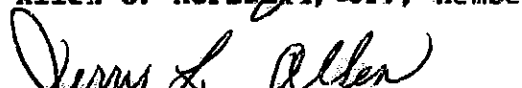
IT IS FURTHER RESOLVED and this does order, that the following Exhibit "B" attached hereto and with reference made a part herof, shall govern the use of lands and structures within the Zoning District No. 32, also referred to as the Mountain View Orchards Zoning District.

Passed and approved this 25th day of April 1994

BOARD OF COUNTY COMMISSIONERS

  
Steven D. Powell, Chairman

  
Allen C. Horsfall, Jr., Member

  
Jerry L. Allen, Member



  
Attest: Clerk & Recorder

Exhibit "A"

Legal Description for Zoning

## Mountain View Orchards Voluntary Zoning District

A tract of land designed for zoning located in Blocks 3 and 4 of "Mountain View Orchards", a subdivision of Ravalli County, Montana, in Sections 3, 10, and 11 of Township 7 North, Range 20 West, P.M.M. The boundary of said tract is described as follows:

Beginning at the SE 1/16 corner of Section 3, T.7N., R.20W., which is also the northwest corner of Lot 1, Block 4 of said Mountain View Orchards subdivision;

Thence easterly for 1324.58 feet to the northeast corner of said Lot 1, which is the western edge of a road;

Thence southerly for 1315.90 feet on and along the eastern boundary of Lots 1, 2, 3, and 4 of said Block 4 to the E - W section line between Sections 2 and 11, T.7N., R.20W.;

Thence easterly on and along said section line, which is also the boundary between Lots 20 and 21 of Block 3, Mountain View Orchards for 1356.30 feet to the east boundary of said Lot 20;

Thence southerly on and along the east boundary of Lots 20, 19, 18, 17, 16, 15, 14, and 13 to southeast corner of Lot 13, Block 3, Mountain View Orchards, which is on the north boundary of a road;

Thence westerly on and along the south boundary of said Lot 13, Block 3 and the south boundary of Lot 12, Block 4, Mountain View Orchards for 2656.27 feet to the southwest corner of said Lot 12;

Thence continuing westerly on and along the south boundary of Lot 13, Block 4, Mountain View Orchards for an additional 841 feet as described in Book 184, Page 286;

Thence northerly for 656.08 feet on and along the west boundary of said Lots 13 and 14, Block 4, Mountain View Orchards to the south boundary of Lot 15-A2 (A.P.289);

Thence easterly on and along the south boundary of Lot 15-A2 (A.P.289) for 71.71 feet to the southeast corner of Lot 15-A2 (A.P.289), Block 4, Mountain View Orchards;

Thence northerly on and along the east boundary of said Lot 15-A2 (A.P.289) for 283.17 feet to the northeast corner of Lot 15-A2 (A.P.289), Block 4, Mountain View Orchards;

Thence westerly on and along the north boundary of Lot 15-A2 (A.P.289), Block 4, Mountain View Orchards for 388.00 feet to the northwest corner of said Lot 15-A2 (A.P.289);

Thence southerly on and along the west boundary of Lot 15-A2 (A.P.289) for 282.95 feet to southwest corner of Lot 15-A2 (A.P.289), Block 4, Mountain View Orchards;

Thence westerly on and along the south boundary of Lot 15-A1 (A.P.289) for 153.71 feet to the southwest corner of Lot 15-A1 (A.P.289), Block 4, Mountain View Orchards;

Thence northerly for 1967.42 feet on and along the west boundary of Lots 15-A1 (A.P.289), 16 (C.O.S. 533), 17, 18, 19 (C.O.S. 533), and 20 to the northwest corner of Lot 20, all in Block 4, Mountain View Orchards;

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3 OF 37 PAGES

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Exhibit A

Continued Legal Description

Thence easterly for 1311.92 feet on and along the north boundary of said Lot 20 to its northeast corner;

Thence northerly for 1369.11 feet on and along the west boundary of Lots 4, 3, 2, and 1 of Block 4 to the point of beginning.

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**Exhibit "B"****Mountain View Orchards  
Voluntary Zoning District  
Ravalli County, Montana**

- Sec. 1. Table of Contents.**  
**Sec. 1. Table of contents**  
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**Sec. 2. Generally.**

This resolution establishes the Mountain View Orchards Voluntary Zoning District and describes the uses that may occur within said district and establishes certain standards and requirements.

**Sec. 3. Authority.**

This district is enacted pursuant to and consistent with the requirements and authority of Section 76-2-101, M.C.A.

**Sec. 4. Definitions.**

For the purpose of this resolution, the following words are defined and shall have the meaning ascribed to them:

*Accessory Building* means a structure that is clearly incidental and subordinate to and customarily found with a principal use.

*Adult Foster Family Care Home* means a private residence owned by one or more persons 18 years of age or older which offer light personal care or custodial care to disabled adults who are not related to the owner by blood or marriage or which offer light personal care or custodial care to aged persons.

*Agriculture* means the use of land for agricultural purposes, including forestry, farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, aquaculture and animal and poultry husbandry. Accessory uses include those facilities necessary for producing, packing, treating, storing, or retailing

agricultural products produced on the premises. The term does not include commercial feed lots and intensive animal production operations.

*Chemical Dependency Treatment Facility* means a facility that provides treatment, rehabilitation, and prevention of chemical dependency.

*Community Home for Persons with Severe Disabilities* means a family-oriented residence that is designed to provide residential services for two to eight persons with severe disabilities and that does not provide skilled or intermediate nursing care. This definition does not preclude the provision of skilled or intermediate nursing care by third-person providers.

*Commercial Feed Lot* means any place and/or building or portions thereof, that is used or is intended to be used for keeping livestock animals where each of the following conditions are met:

1. livestock animals are maintained in close quarters;
2. more than 50 percent of the feed is not produced on the site; and
3. the majority of livestock animals are purchased from other sources for final shipment to market.

*Family Day-Care Home* means a private residence in which day care is provided to three to six children from separate families on a regular basis. (Also see: *Group Day-Care Home*)

*Group Day-Care Home* means a private residence in which day care is provided to 7 to 12 children on a regular basis. (Also see: *Family Day-Care Home*)

*Heavy Industry* means a use that is engaged in the following or similar uses: processing or manufacture of materials or products predominantly from extracted or raw materials; storage of or manufacturing processes using flammable or explosive materials; or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

*Home Occupation* means any occupation, profession, enterprise, or similar activity, except those that would meet the definition of heavy industry, that is conducted on the premises of a single-family residence as an accessory use.

*Intensive Animal Production* means a place and/or building, or portions thereof, that is used or is intended for raising animals where the number of specified animals exceeds the following limits:

swine: 2 mature animals of reproductive age  
poultry, fowl, and similar animals: 75 mature animals of reproductive age  
fur-bearing animals: 15 mature animals of reproductive age.

*Lot of Record* means a lot which has been recorded in the office of the Clerk and Recorder of Ravalli County, Montana, as of the effective date of this resolution.

*Mobile Home* means a dwelling unit that is: (1) constructed off-site; (2) equipped with the necessary utility service connections; (3) made so as to be readily movable as a unit or units on its (their) own running gear; (4) designed to be used without a permanent foundation.

*Modular Home* means a dwelling unit that is substantially constructed off-site and transported to the building site for assembly on a permanent foundation and which does not constitute a mobile home.

*Nonconforming Lot* means any lot of record that does not conform with the lot standards established for the district in which it is located.

*Nonconforming Use* means any use that does not conform with the use standards established for the district in which it is located.

*Nonconforming Sign* means any sign that does not conform with the use standards established for the district in which it is located.

*Nonconforming Structure* means any structure that does not conform with the building standards established for the district in which it is located.

*Principal Use* means the main use of land or structure.

*Residence, Single-family* means a structure containing one (1) dwelling unit, and not attached to any other dwelling unit by any means.

*Sign* means any device which is used to announce, direct attention to, identify, advertise, or otherwise communicate information or make anything known. The term shall exclude architectural features or art not intended to communicate information.

*Variance* means a grant of relief from the strict application of these regulations that would permit development in a manner otherwise prohibited.

*Youth Foster Home* means a youth care facility licensed by the state in which one to six children or youth other than the foster parents' own children, stepchildren, or wards are given food shelter, security and safety, guidance, direction, and if necessary, treatment. (Also see: *Youth Group Home*)

*Youth Group Home* means a youth care facility licensed by the state in which 7 to 12 children or youth are given food shelter, security and safety, guidance, direction, and if necessary, treatment. (Also see: *Youth Foster Home*)

#### Sec. 5. District Boundaries.

The boundaries of the district are described in Exhibit 1 and graphically depicted in Exhibit 2. Where the legal description in Exhibit 1 deviates from the map in Exhibit 2, Exhibit 1 shall control.

#### Sec. 6. Purpose and Intent of District.

The district is intended to provide for and assure rural and semi-rural development of land and the continued use and establishment of suitable agricultural activities.

#### Sec. 7. Permitted Uses Within District.

(a) *Permitted Uses.* The following uses shall be permitted throughout the district provided that the remainder of the standards can be satisfied:

- (1) Single-Family Residence, including modular homes
- (2) Type I Home Occupation
- (3) Agriculture
- (4) Adult Foster Family Care Home
- (5) Community Home for Persons with Severe Disabilities
- (6) Family Day-Care Home
- (7) Group Day-Care Home
- (8) Chemical Dependency Treatment Facility
- (9) Youth Foster Home

(10) Youth Group Home

(b) *Prohibited Uses.* Those uses not listed above, and which cannot be interpreted to be substantially similar to any listed use, as provided for above, shall be prohibited.

Sec. 8. Accessory Uses and Structures.

(a) *Accessory Structures.* Accessory structures are permitted for principal uses, provided they are only used by the owners or tenants of the premises.

(b) *Signs.* Signs are permitted for home occupations, provided they do not exceed eight (8) square feet in area and they are located on the premise.

Sec. 9. Dimensional Standards.

The following dimensional standards shall apply to all permitted and accessory structures within the district:

- (1) Minimum Lot Area: 4 acres
- (2) Minimum Front Yard: 25 feet
- (3) Minimum Side Yard: 25 feet
- (4) Minimum Rear Yard: 25 feet
- (5) Minimum Residential Floor Area: 1,000 square feet, exclusive of all porches, decks and garages
- (6) Maximum Building Height: 30 feet

Sec. 10. Performance Standards for Permitted Uses.

- (a) *Residential.* No more than one (1) residence may occupy any single lot.
- (b) *Type I Home Occupation.* A Type I Home Occupation shall meet the following standards:
  - (1) *Lot Size Requirements.* There are no minimum lot size requirements.
  - (2) *Location of Home Occupation.* The home occupation shall occur entirely within the dwelling unit. Accessory buildings may not be used in any manner for the operation of a home occupation.
  - (3) *Limitations on Size.* No more than twenty-five (25) percent of the floor area of the dwelling unit shall be devoted to the home occupation.
  - (4) *Nonresidential Employees.* No more than one (1) nonresident employee.
  - (5) *Validity of Use.* The individual primarily responsible for the home occupation must permanently reside in the dwelling unit.
  - (6) *Retail Sales.* The display or retail sales of merchandise and equipment rental is prohibited.
  - (7) *Client Traffic.* No traffic shall be generated in greater volumes than would normally be expected in the district in which the use takes place.
  - (8) *Exterior Character of Dwelling Unit.* The exterior character of the dwelling unit shall not be substantially altered to accommodate the home occupation.
  - (9) *Storage of Materials.* Exterior storage of materials or equipment is prohibited.
  - (10) *Signs.* Signs are permitted in accordance with Section 8.
  - (11) *Noise, Vibration, Glare, Fumes, and Odors.* No home occupation shall generate any noise, vibration, glare, fumes, or odors that can be detected with normal senses on adjoining properties.
  - (12) *Electrical Interference.* No home occupation shall create visual or audible interference in any radio or television receiver off the premises, or cause fluctuations in line voltage off the premises.



**Sec. 11. Regulations to Apply Uniformly Throughout District.**

All provisions shall apply uniformly to each structure and use and to all land and water within the boundaries of this district.

**Sec 12. Enforcement.**

(a) *County Enforcement.* The County shall enforce the provisions of this district.

(b) *Effect of Nonenforcement.* Failure to immediately enforce any of these provisions shall not in any event be construed or held to be a waiver thereof or consent to any further or succeeding breach or violation.

**Sec. 13. Variances.**

(a) *Generally.* The Board of County Commissioners may grant a variance from the strict application of any provision of this Code, provided that such variance is granted in conformance with the County's Subdivision Regulations.

(b) *Limitations on Issuing a Variance.* The following actions shall not be allowed by a variance:

- (1) establishment of a use otherwise prohibited;
- (2) expansion of a nonconforming use; or
- (3) modification to lot or other requirements so as to increase the permitted density or intensity of use.

**Sec. 14. Amendments.**

(a) *Landowner Initiated.* When not in conflict with the Ravalli County Comprehensive Plan, the County may amend the district boundary or any provision that applies to this district when sixty (60) percent of the landowners within said district submit a signed petition to the Board of County Commissioners.

(b) *County Initiated.* The County may amend the regulations and standards, or any other provision of this district when done in the context of a comprehensive plan revision.

(c) *Limitations on Amendments.* Under no circumstance may an amendment to a district boundary cause the district to be less than forty (40) acres.

**Sec. 15. Nonconformities.**

(a) *Generally.* Within the district(s) established or within districts established by future amendments, there may exist lots, structures, uses, signs, and other uses which were lawful before the adoption of this resolution, or amendment, but which would be prohibited, regulated, or restricted under the provisions of this resolution or amendment. This part prescribes how these nonconformities may be continued or made to comply with this resolution.

(b) *Purpose and Intent.* It is the intent of this resolution to:

- (1) permit, but not encourage, nonconformities to continue until such time as they are removed, discontinued, changed, or enlarged; and
- (2) ensure that nonconformities that are removed, discontinued, changed, extended or enlarged shall be made to conform to all provisions of this resolution.



(c) *Nonconforming Lots.* Nonconforming lots of record shall comply with the following provisions:

- (1) *Occupied Nonconforming Lots of Record.* Occupied nonconforming lots of record may be continued and used for any use permitted in the district, provided that the lot can comply with all applicable regulations.
- (2) *Single Lot not Contiguous to Other Lot(s) in Same Ownership.* If a vacant nonconforming lot of record is not contiguous to other lots under the same ownership, then the lot may be used for any use permitted in the district, provided that the lot can comply with all applicable regulations.
- (3) *Contiguous Lots in Same Ownership.* If a vacant nonconforming lot of record is contiguous to other lots (vacant or occupied) under the same ownership, then the lot can only be used after adjusting the lot lines to comply with all applicable regulations.

(d) *Nonconforming Uses.* A nonconforming use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such nonconforming use shall be enlarged, increased or expanded to occupy a greater area than was occupied at the effective date of adoption or amendment.
- (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment.
- (3) If any such nonconforming use is discontinued because the structure in which it takes place is damaged or destroyed, the structure may be rebuilt and the use may resume, subject to the following conditions:
  - (a) construction or repair of the structure shall begin within 12 months of the event causing the damage or destruction and shall continue in good faith to completion;
  - (b) the use resumes immediately following the completion of the structure;
  - (c) the area of the structure devoted to the nonconforming use shall not exceed its original area;
  - (d) the structure shall be constructed at its original location; and
  - (e) the new structure complies with all state and local regulations that apply.

(e) *Nonconforming Structures.* A nonconforming structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such structure may be enlarged or altered in a way to increase its nonconformity.
- (2) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- (3) Should such a structure be destroyed or damaged by any means, it may be reconstructed, repaired, or replaced subject to the following conditions:
  - (a) such work shall begin within 12 months of the event causing the damage or destruction and shall continue in good faith to completion;
  - (b) the structure shall be constructed at its original location; and
  - (c) the new structure complies with all state and local regulations that apply.

(f) *Nonconforming Signs.* All nonconforming signs with a replacement cost of less than one hundred dollars (\$100.00), and all signs prohibited shall be removed or altered to be conforming within ninety (90) days of the effective date of this resolution.

(g) *Unsafe Conditions.* Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part.

**Sec. 16. Responsibility for Interpretation.**

(a) *Responsibility for Interpretations.* In the event that any question arises concerning any provision or the application of any provision, the Planning Director shall be responsible for such interpretation and shall look to the Comprehensive Plan for guidance.

(b) *Limitations on Interpretations.* This responsibility for interpretation shall be limited to standards, regulations, and requirements of this Code, but shall not be construed to include interpretation of any technical codes adopted by reference in this Code, nor be construed as overriding the responsibilities given to any commission, board or official named in other sections or articles of this Code.

**Sec. 17. Abrogation.**

This resolution is not intended to repeal, abrogate, or interfere with any existing easements, covenants, or deed restrictions duly recorded in the public records of the county.

**Sec. 18. Severability.**

If any section, subsection, paragraph, sentence, clause, or phrase is for any reason held by any court of competent jurisdiction to be unconstitutional or otherwise invalid, the validity of the remaining portions shall continue in full force and effect.

**Sec. 19. Effective Date.**

This resolution shall become effective upon adoption.



AFFIDAVIT OF PUBLICATION

STATE OF MONTANA ) ss  
County of Ravalli )

Victoria Howell being  
duly sworn, deposes and says that

she is the Editor of the  
BITTERROOT STAR, a weekly  
newspaper of general circulation,  
published in Stevensville,  
Ravalli County, Montana, and  
that the subjoined notice, a  
copy of which is hereto attached,  
was published in the regular and  
entire issue of said paper for

two successive weeks,  
commencing on the 2 day of

Feb 1994  
and published on the following dates  
thereafter:

9 Feb 1994

Signed Victoria Howell

Subscribed and sworn to before me

this 25th day of February 1994

Dawne E. Schmautz

DAWNE E. SCHMAUTZ  
NOTARY PUBLIC for the State of Montana  
Residing at Stevensville, Montana  
My Commission Expires November 3, 1995

NOTICE OF PUBLIC  
HEARING

You are hereby notified  
that the Board of Ravalli  
County Commissioners will  
hold a Public Hearing on Fri-  
day, February 18, 1994 at  
1:30 p.m. in their office at the  
Courthouse in Hamilton,  
Montana, to take comment  
on a petition to create a  
zoning district in Mountain  
View Orchards. The pro-  
posed zoning affects the  
following property: Lots 13-  
20, Block 3, all of Block 4,  
excepting the following: the  
West 488.3' of Lots 13 and  
14 (Stephans, Manny and  
Lockhard Ownerships), Lot  
A-2 as shown on Amended  
Subdivision Plat #286  
(Stephans Ownership), and  
Lots 21, 22, 23 and 24  
(Fauley, Wood-Gundlach  
Ownership). Copies of the  
proposed regulations for the  
district are available at the  
Commissioners' Office.

BOARD OF COUNTY  
COMMISSIONERS.

/s/ Steven D. Powell,  
Chairman.

BS 2/2 & 2/3/94

AFFIDAVIT OF PUBLICATION

STATE OF MONTANA  
County of Ravalli

Victoria Howell being  
duly sworn, that

she is the editor of the  
BITTNER newspaper,  
published in Ravalli,  
that  
copy was published  
entirely on March 9, 1994

2 copies,  
commonly known as 9 of

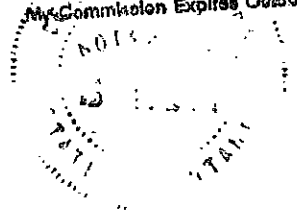
March, 1994  
and  
the March 16, 1994

Signature Victoria Howell

Subscribed and sworn to before me  
this 15th day of April

Deborah J. Wark

Deborah J. Wark  
NOTARY PUBLIC for the State of Montana  
Residing at Stevensville, Montana  
My Commission Expires October 4, 1997



NOTICE OF INTENT  
TO CREATE A ZONING  
DISTRICT

On March 7, 1994 the  
BOARD OF COUNTY COM-  
MISSIONERS, Ravalli  
County, passed a resolution  
of intent to create a zoning  
district in the Mountain View  
Orchards area.

The district is intended  
to provide for and assure ru-  
ral and semi-rural develop-  
ment of land and the contin-  
ued use and establishment  
of suitable agricultural activ-  
ities.

The proposed zoning af-  
fects the following property:  
Lots 13-20, Block 3, all of  
Block 4, excepting the  
following: the West 488.3' of  
Lots 13 and 14 (Stephans,  
Manny and Lockhard  
Ownership), Lot A-2 as  
shown on Amended  
Subdivision Plat #298  
(Stephans Ownership), and  
Lots 21, 22, 23 and 24  
(Fauley, Wood-Gundlach  
Ownership).

Copies of the proposed  
regulations are on file at the  
office of the Clerk and  
Recorder at the Ravalli  
County Courthouse.

For thirty days after the  
first publication of this no-  
tice, March 9, 1994 the  
BOARD OF COUNTY COM-  
MISSIONERS will receive  
written protests to the cre-  
ation of this zoning district or  
to the zoning regulations,  
from persons in the district  
whose names appear on the  
last completed assessment  
roll of the County.

BOARD OF COUNTY  
COMMISSIONERS,

/s/ Steven D. Powell,  
Chairman.

CC 2/2 & 2/16/94.

### Voluntary Zoning District Petition

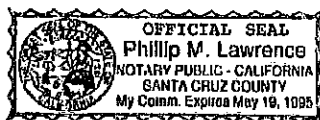
Property Description	Freeholder's Name (Typed or Printed)	Signature (Signed as Shown)	Mailing Address
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PARCEL - 164900 01 SCH DST- 1-3 COMM CODE-  
\*\* GENERAL PUBLIC \*\* \* ACTIVE \*  
NAME- DANA MARSHALL J & BARBARA A REDEMPTION #692,6-1-93  
NAME2-  
ADDR- 2074 POPPY LANE  
ADDR2  
CTTY- CORVALLIS STATE- MT ZIP- 99828 LOT BLOCK  
PROPERTY DESCRIPTION SEC TWP RANG  
MTN VIEW ORCH PT 3 4  
PARCEL A-1-A  
CS #2163  
4.89 AC

*Barbara A. Dana*

On this 1st day of December, 1993, before me the undersigned Notary for the State of  
California, personally appeared Barbara A. Dana -----  
----- known to me (or proved to me on the oath of  
-----) to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and  
acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by Notarial Seal the day and year  
first written.



*Phillip M. Lawrence*  
Notary Public for the State of California  
Residing at 210 Siesta Drive Aptos, CA  
My Commission Expires May 19, 1995

### Voluntary Zoning District Petition

Property Description	Freeholder's Name (Typed or Printed)	Signature (Signed as Shown)	Mailing Address
PARCEL - 164900 C1 ** GENERAL PUBLIC ** NAME - DANA MARSHALL J & BARBARA A NAME2 - ADDR - 2074 POPPY LANE ADDR2 - CITY - CORVALLIS STATE - MT ZIP - 97331 PROPERTY DESCRIPTION MTN VIEW ORCH PARCEL A-1-A CS #2162 4.89 AC	* ACTIVE *	SCH DIST - 1-3 REDEMPTION #682,611-92	COMM CODE - LOT BLOCK SEC TWPSP RANGE PT 3 4

x Marshall J Dana

### CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

On NOV 20, 1993 before me, DAN MASCHINO - NOTARY  
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared, MARSHALL J. DANA

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Dan Maschino (SEAL)  
NOTARY PUBLIC SIGNATURE



### OPTIONAL INFORMATION

TITLE OR TYPE OF DOCUMENT ZONING PETITION  
DATE OF DOCUMENT 11/20/93 NUMBER OF PAGES 1  
SIGNER(S) OTHER THAN NAMED ABOVE NONE



Voluntary Zoning District Petition

Property Description	Freeholder's Name (Typed or Printed)	Signature (Signed as Shown)	Mailing Address
----------------------	---	--------------------------------	-----------------

PARCEL - 98000 01 SCH DST - 1-3 COMM CODE -  
\*\* GENERAL PUBLIC \*\* \* ACTIVE \*  
NAME - KANTJAS JOHN & RITA B  
NAME2 -  
ADDR - 2035 VIEW LANE  
ADDR2 -  
CITY - CORVALLIS STATE - MT ZIP - 59928  
PROPERTY DESCRIPTION LOT BLOCK  
MTN VIEW ORCH SEC TWNSP RANGE  
PARCEL G CS #092 PT 16 4  
4.13 AC

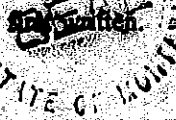
PARCEL - 97900 01 SCH DST - 1-3 COMM CODE -  
\*\* GENERAL PUBLIC \*\* \* ACTIVE \*  
NAME - KANTJAS JOHN & RITA B  
NAME2 -  
ADDR - 2035 VIEW LANE  
ADDR2 -  
CITY - CORVALLIS STATE - MT ZIP - 59928  
PROPERTY DESCRIPTION LOT BLOCK  
MTN VIEW ORCH SEC TWNSP RANGE  
MTN VIEW ORCH 17 TO 9 4  
PARCEL D CS #533 PT 20 4  
39.76 AC

X John Kantjas  
X Rita B. Kantjas

On this 29th day of Dec, 1993, before me the undersigned Notary for the State of  
Montana, personally appeared PATRICK K KANE

known to me (or proved to me on the oath of  
\_\_\_\_\_) to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and  
acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by Notarial Seal the day and year



Patrick K Kane  
Notary Public for the State of MONTANA  
Residing at MISSOULA  
My Commission Expires 12.15.94

Voluntary Zoning District Petition

Property Description	Freeholder's Name (Typed or Printed)	Signature (Signed as Shown)	Mailing Address
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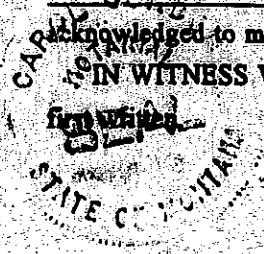
PARCEL - 182700 01  
\*\* GENERAL PUBLIC \*\*  
NAME - MC CULLAR RANSOM M AND  
NAME2 - MC CULLAR ANNABELLE M  
ADDR - 1643 GTIMAN  
ADDR2  
CITY - BUTTE  
STATE - MT ZIP - 59701  
PROPERTY DESCRIPTION  
MTN VIEW ORCH  
AMEND PLAT #289 LOT A1  
1.00 AC  
SCH DST - 1-3 COMM CODE -  
\* ACTIVE \*  
LOT BLOCK  
SEC TWP&S RANGE  
PT 15 4

*Ransom M. McCullar*  
*Annabelle M. McCullar*

On this 15 day of NOV, 1993, before me the undersigned Notary for the State of \_\_\_\_\_, personally appeared PATRICK K KANE

\_\_\_\_\_ known to me (or proved to me on the oath of \_\_\_\_\_) to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by Notarial Seal the day and year



*Patrick K Kane*  
Notary Public for the State of Montana  
Residing at Missoula  
My Commission Expires 12 15 94

FILED

MONTANA  
APRIL 29, 1994COUNTY OF RAVALLI  
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## Voluntary Zoning District Petition

Property Description	Freeholder's Name (Typed or Printed)	Signature (Signed as Shown)	Mailing Address
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PARCEL - 127300 D1 ** GENERAL PUBLIC ** NAME - MORRISON WILLIAM M NAME2 - ADDR - P O BOX 405 ADDR2 - CITY - SHELBY	STATE - MT ZTP - 59474 PROPERTY DESCRIPTION MTN VIEW ORCH SUBJ 20 ESMT E SIDE LOT 16 LOT 16 AMEND SUB PLAT #485 11.99 AC	SCH DST - 1-3 * ACTIVE * 16 & PT 17	COMM CODE - LOT BLOCK SEC TWP&P RANGE 3
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PARCEL - 127400 D1 ** GENERAL PUBLIC ** NAME - MORRISON WILLIAM M NAME2 - ADDR - P O BOX 405 ADDR2 - CITY - SHELBY	STATE - MT ZTP - 59474 PROPERTY DESCRIPTION MTN VIEW ORCH 29.25 AC	SCH DST - 1-3 * ACTIVE * 13 TO 15	COMM CODE - LOT BLOCK SEC TWP&P RANGE 3
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*x William M Morrison*

On this 15 day of November, 1993, before me the undersigned Notary for the State of Montana, personally appeared William M Morrison

known to me (or proved to me on the oath of  
) to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and  
acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and added by Notarial Seal the day and year first written.

*Cecily Ann Hinch*  
Notary Public for the State of Montana  
Residing at Shelby  
My Commission Expires 2000-05-15



Voluntary Zoning District Petition

Property Description	Freeholder's Name (Typed or Printed)	Signature (Signed as Shown)	Mailing Address
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PARCEL - 136600 01  
\*\* GENERAL PUBLIC \*\*  
NAME - PERESSINI R A & VIOLET S  
NAME2 -  
ADDR - 584 BATTLE LANE  
ADDR2 -  
CITY - CORVALLIS STATE - MT ZIP - 59828  
PROPERTY DESCRIPTION  
MTN VIEW ORCH  
MTN VIEW ORCH  
12.689 AC  
SCH DST - 1-3 COMM CODE -  
\* ACTIVE \*  
LOT BLOCK  
SEC TWP& RANGE  
E 8411 13 4  
E 8411 14 4

*R.A. Peressini*  
*Violet S. Peressini*

On this 5th day of July, 1993, before me the undersigned Notary for the State of  
personally appeared PATRICK K KANE  
known to me (or proved to me on the oath of  
) to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and  
acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by Notarial Seal the day and year  
first written.

*Carol Sanders*  
Notary Public for the State of Montana  
Residing at Missoula  
My Commission Expires 12.15.94

### Voluntary Zoning District Petition

Property Description	Freeholder's Name (Typed or Printed)	Signature (Signed as Shown)	Mailing Address
PARCEL - 151700 01 ** GENERAL PUBLIC ** NAME - SCHENCK WILTON J NAME2 - ADDR - 2045 VIEW LANE ADDR2 - CITY - CORVALLIS STATE - MT ZIP - 59828 PROPERTY DESCRIPTION MTN VIEW ORCH PARCEL E REMAINDER CS #982 5.8 AC	* ACTIVE *	SCH DST - 1-3 COMM CODE -	LOT BLOCK SEC TWPSE RANGE PT 16 4

*Wilton J. Schenck*

On this 15th day of Nov., 1994, before me the undersigned Notary for the State of \_\_\_\_\_, personally appeared PATRICK K. KANE

known to me (or proved to me on the oath of \_\_\_\_\_) to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by Notarial Seal the day and year

first written

*Carol L. Larkin*  
Notary Public for the State of Montana  
Residing at Bozeman  
My Commission Expires 12.15.94

### Voluntary Zoning District Petition

Property Description	Freeholder's Name (Typed or Printed)	Signature (Signed as Shown)	Mailing Address
PARCEL - 143500 01 ** GENERAL PUBLIC ** NAME - MUIR ALAN R & ALICE E NAME2 - % TREXLER LARRY C & PEGGY E ADDR - 2040 VIEW LANE ADDR2 CITY - CORVALLIS STATE - MT ZIP - 59828 PROPERTY DESCRIPTION MTN VIEW ORCH PARCEL B AMEND SUB PLAT #150 6.391 AC	* ACTIVE *	NPT	LOT BLOCK SEC TWPSP RANGE PT 15 4

x *Larry C. Trexler*

y *Peggy E. Trexler*

On this 15th day of NOV, 1993, before me the undersigned Notary for the State of  
personally appeared PATRICK K. KANE

known to me (or proved to me on the oath of  
) to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and  
acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by Notarial Seal the day and year  
first written.

*Carol Lardner*  
Notary Public for the State of Montana  
Residing at Missoula  
My Commission Expires 12 15 94



Property Description	Freeholder's Name (Typed or Printed)	Signature (Signed as Shown)	Mailing Address
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PARCEL - 134300 01  
\*\* GENERAL PUBLIC \*\*  
NAME - KANE PATRICK K  
NAME2 -  
ADDR - 710 ORANGE STREET  
ADDR2 -  
CITY - MISSOULA  
STATE - MT ZIP - 59801  
PROPERTY DESCRIPTION  
MTN VIEW ORCH  
TRACT 1 AMEND SUB PLAT #81  
4.85 AC  
SCH DST - 1-3 COMM CODE -  
\* ACTIVE \*  
LOT BLOCK  
SEC TWNSP RANGE  
E PT 6 4

PARCEL - 134400 01  
\*\* GENERAL PUBLIC \*\*  
NAME - KANE PATRICK K  
NAME2 -  
ADDR - 710 ORANGE STREET  
ADDR2 -  
CITY - MISSOULA  
STATE - MT ZIP - 59801  
PROPERTY DESCRIPTION  
MTN VIEW ORCH  
TRACT 2 AMEND SUB PLAT #81  
4.93 AC  
SCH DST - 1-3 COMM CODE -  
\* ACTIVE \*  
LOT BLOCK  
SEC TWNSP RANGE  
W PT 6 4

PARCEL - 79000 01  
\*\* GENERAL PUBLIC \*\*  
NAME - WYARD STEPHEN L & JAMES E EDWARDS  
NAME2 - KANE PATRICK K  
ADDR - 710 SOUTH ORANGE  
ADDR2 -  
CITY - MISSOULA  
STATE - MT ZIP - 59801  
PROPERTY DESCRIPTION  
MTN VIEW ORCH  
PT PARCEL A1 AMEND SUB PLAT #43  
9.91 AC  
SCH DST - 1-3 COMM CODE -  
\* ACTIVE \*  
NPT  
LOT BLOCK  
SEC TWNSP RANGE  
PT 1, 2 & 3 4

*Patrick K Kane*

On this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me the undersigned Notary for the State of \_\_\_\_\_, personally appeared \_\_\_\_\_

\_\_\_\_\_ known to me (or proved to me on the oath of \_\_\_\_\_) to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by Notarial Seal the day and year first written.

Notary Public for the State of \_\_\_\_\_  
Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_



Voluntary Zoning District Petition

Property Description	Freeholder's Name (Typed or Printed)	Signature (Signed as Shown)	Mailing Address
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PARCEL - 97800 01 ** GENERAL PUBLIC ** NAME - KANE PATRICK K NAME2 - ADDR - 710 ORANGE STREET ADDR2 - CITY - MISSOULA STATE - MT ZIP - 59801 PROPERTY DESCRIPTION MTN VIEW ORCH MTN VIEW ORCH MTN VIEW ORCH PARCEL B CS #533 17.95 AC	* ACTIVE *	SCH DST - 1-3 COMM CODE -	LOT BLOCK SEC TWP&P RANGE 6 4 7 4 8 4
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PARCEL - 127410 01 ** GENERAL PUBLIC ** NAME - KANE PATRICK K NAME2 - ADDR - 710 ORANGE STREET ADDR2 - CITY - MISSOULA STATE - MT ZIP - 59801 PROPERTY DESCRIPTION MTN VIEW ORCH LOT 17 AMEND SUB PLAT #485 7.57 AC MTN VIEW ORCH 20.525 AC	* ACTIVE *	SCH DST - 1-3 COMM CODE -	LOT BLOCK SEC TWP&P RANGE PT 17 3 18 TO 20 3
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*Patrick K Kane*

On this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me the undersigned Notary for the State of \_\_\_\_\_, personally appeared \_\_\_\_\_ known to me (or proved to me on the oath of \_\_\_\_\_) to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by Notarial Seal the day and year first written.

Notary Public for the State of \_\_\_\_\_  
Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

Voluntary Zoning District Petition

Property Description	Freeholder's Name (Typed or Printed)	Signature (Signed as Shown)	Mailing Address
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PARCEL - 134000 01 ** GENERAL PUBLIC ** NAME - KANE PATRICK K NAME2 - ADDR - 710 SO ORANGE STREET ADDR2 - CITY - MISSOULA STATE - MT ZIP - 59801 PROPERTY DESCRIPTION MTN VIEW ORCH PARCEL A2 AMEND SUB PLAT 443 14.80 AC	* ACTIVE *	SCH DST - 1-3 COMM CODE -	LOT BLOCK SEC TWP&P RANGE PT 1, 2 & 3 4
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PARCEL - 134100 01 ** GENERAL PUBLIC ** NAME - KANE PATRICK K NAME2 - ADDR - 710 ORANGE STREET ADDR2 - CITY - MISSOULA STATE - MT ZIP - 59801 PROPERTY DESCRIPTION MTN VIEW ORCH 4.86 AC	* ACTIVE *	SCH DST - 1-3 COMM CODE -	LOT BLOCK SEC TWP&P RANGE W PT 4 4
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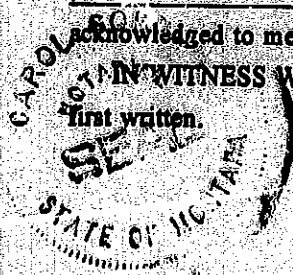
PARCEL - 134200 01 ** GENERAL PUBLIC ** NAME - KANE PATRICK K NAME2 - ADDR - 710 ORANGE STREET ADDR2 - CITY - MISSOULA STATE - MT ZIP - 59801 PROPERTY DESCRIPTION MTN VIEW ORCH 5.10 AC	* ACTIVE *	SCH DST - 1-3 COMM CODE -	LOT BLOCK SEC TWP&P RANGE E PT 4 4
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*Patrick K Kane*

On this 15th day of Nov., 1994, before me the undersigned Notary for the State of MONTANA, personally appeared PATRICK K. KANE

known to me (or proved to me on the oath of \_\_\_\_\_) to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by Notarial Seal the day and year first written.



*Carol Larden*  
Notary Public for the State of MONTANA  
Residing at MISSOULA  
My Commission Expires 12-15-94

### Voluntary Zoning District Petition

Property Description	Freeholder's Name (Typed or Printed)	Signature (Signed as Shown)	Mailing Address
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PARCEL - 30700 01 SCH DST - 1-3 COMM CODE -  
\*\* GENERAL PUBLIC \*\* \* ACTIVE \*  
NAME - BECHTOLD EARL R & BETTYE J  
NAME2 -  
ADDR - 2007 POPPY LANE  
ADDR2 -  
CITY - CORVALLIS STATE - MT ZIP - 59828 LOT BLOCK  
PROPERTY DESCRIPTION SEC TWP R RANGE  
MTN VIEW GRCH 11 8 12 4  
19.76 AC

*Earl R. Bechtold*  
*Bettye J. Bechtold*

On this 15th day of Nov, 1993, before me the undersigned Notary for the State of  
MONTANA, personally appeared PATRICK K KANE  
known to me (or proved to me on the oath of  
) to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and  
acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by Notarial Seal the day and year  
first written.



*Carol Gordon*  
Notary Public for the State of MONTANA  
Residing at MISSOULA  
My Commission Expires 12 15 94



Voluntary Zoning District Petition

Property Description	Freeholder's Name (Typed or Printed)	Signature (Signed as Shown)	Mailing Address
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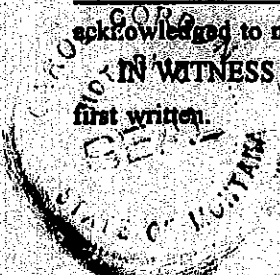
PARCEL - 40100 01 ** GENERAL PUBLIC ** NAME - DALE JOHN E & ROSE MARIE NAME2 - ADDR - 1941 POPPY LANE ADDR2 - CITY - CORVALLIS	STATE - MT - ZIP - 59928 PROPERTY DESCRIPTION MTN VIEW GRCH 10 AC	SCH DST - 1-3 * ACTIVE * LOT BLOCK SEC TWP&R RANGE 10 4	COMM CODE
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*John E. Dale*  
*Rose Marie Dale*

On this 15th day of Nov, 1993, before me the undersigned Notary for the State of \_\_\_\_\_, personally appeared PATRICK K KANE

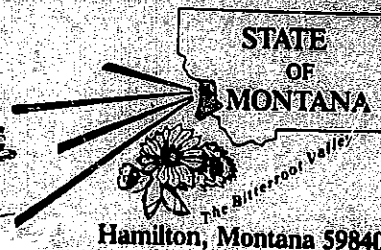
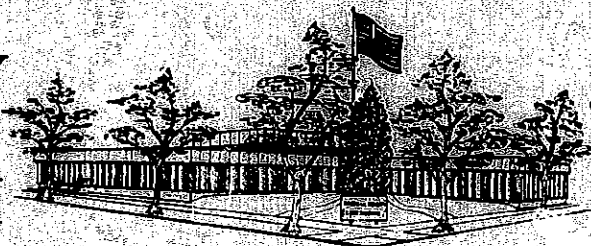
\_\_\_\_\_ known to me (or proved to me on the oath of \_\_\_\_\_) to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by Notarial Seal the day and year first written.



Patrick K Kane  
Notary Public for the State of MONTANA  
Residing at MISSOULA  
My Commission Expires 12.15.94

# COUNTY OF RAVALLI



## MOUNTAIN VIEW ORCHARDS VOLUNTARY ZONING DISTRICT

### BLOCK 4

Pt Lt 1&2 AP 43 A-1 Patrick K Kane ✓  
(CS 2163)  
Pt Lt 1&2 AP 43 A-2 Patrick K Kane  
Pt Lt 3 CS 2163 A-1-A Marshall J & Barbara A Dana  
Pt Lt 4&5 AP 80 Tr 1 Patrick K Kane  
Pt Lt 4&5 AP 80 Tr 2 Patrick K Kane  
Pt Lt 4&5 AP 81 Tr 1 Patrick K Kane  
Pt Lt 4&5 AP 81 Tr 2 Patrick K Kane  
Pt Lt 7&8 CS533 Par B Patrick K Kane  
Pt Lt 8&9 CS533 Par C Vester A Wilson II & Sue Wilson  
Lt 10 John E & Rose Marie Dale  
Lt 11 Earl R & Bettye J Bechtold  
Lt 12 Earl R & Bettye J Bechtold  
Pt Lt 13 (E 841') R A & Violet S Peressini

Pt Lt 14 E 841' R A & Violet S Peressini

hart

Pt Lt 15 AP 150 Par B Larry C & Peggy E Trexler

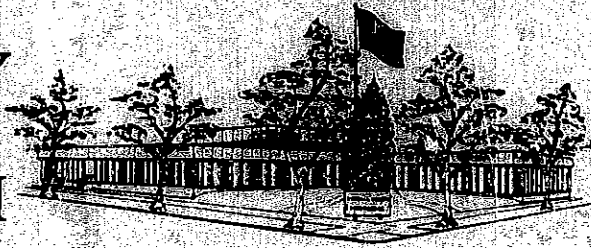
Pt Lt 15 AP 289 A-1 Ransom M & Annabelle M Mc Cullar

Pt Lt 16 CS 982 Rem Wilton J Schenck

Pt Lt 16 CS 982 Par G John & Rita B Kantjas

Lt 17, 18, 19, 20 John & Rita B Kantjas  
(CS 533 Par D)

# COUNTY OF RAVALLI

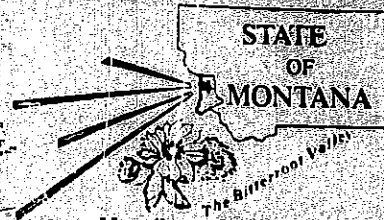
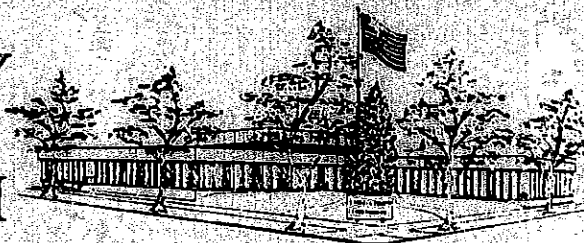


## MOUNTAIN VIEW ORCHARDS VOLUNTARY ZONING DISTRICT

### BLOCK 3

Pt Lt 20	Patrick K Kane
Pt Lt 19&20 (12' Stripe R/W)	Janet Currie Wood & Laurie Joy Wood
Pt Lt 19	Patrick K Kane
Lt 18	Patrick K Kane
Pt Lt 17 AP 485	Patrick K Kane
Pt 16&17 AP 485	Patrick K Kane
Lt 15	William M Morrison
Lt 14	William M Morrison
Lt 13	William M Morrison

# COUNTY OF RAVALLI



Hamilton, Montana 59840

## MOUNTAIN VIEW ORCHARDS VOLUNTARY ZONING DISTRICT

### BLOCK 4

Pt Lt 1&2 AP 43 A-1 Patrick K Kane /  
(CS 2163)  
Pt Lt 1&2 AP 43 A-2 Patrick K Kane  
Pt Lt 3 CS 2163 A-1-A Marshall J & Barbara A Dana /  
Pt Lt 4&5 AP 80 Tr 1 Patrick K Kane  
Pt Lt 4&5 AP 80 Tr 2 Patrick K Kane  
Pt Lt 4&5 AP 81 Tr 1 Patrick K Kane  
Pt Lt 4&5 AP 81 Tr 2 Patrick K Kane  
Pt Lt 7&8 CS533 Par B Patrick K Kane  
Pt Lt 8&9 CS533 Par C Vester A Wilson II & Sue Wilson  
Lt 10 John E & Rose Marie Dale /  
Lt 11 Earl R & Bettye J Bechtold /  
Lt 12 Earl R & Bettye J Bechtold  
Pt Lt 13 (E 841') R A & Violet S Peressini /

Pt Lt 14 E 841' R A & Violet S Peressini

Pt Lt 15 AP 150 Par B Larry C & Peggy E Trexler /

Pt Lt 15 AP 289 A-1 Ransom M & Annabelle M Mc Cullar /

Pt Lt 16 CS 982 Rem Wilton J Schenck /

Pt Lt 16 CS 982 Par G John & Rita B Kantjas /

Lt 17,18,19,20 John & Rita B Kantjas  
(CS 533 Par D)

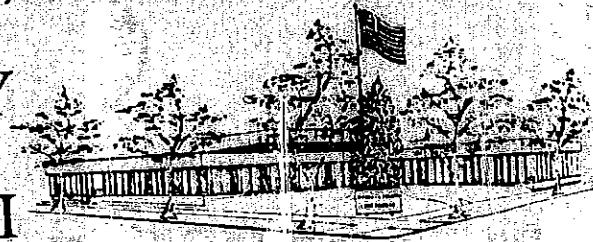


STATE OF MONTANA  
FILED APRIL 29, 1994

COUNTY OF RAVALLI  
1:32PM PERM FILE

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# COUNTY OF RAVALLI



Hamilton

## MOUNTAIN VIEW ORCHARDS VOLUNTARY ZONING DISTRICT

### BLOCK 3

Pt Lt 20

Patrick K Kane

Pt Lt 19&20

Janet Currie Wood & Laurie Joy Wood

(12' Stripe R/W)

Pt Lt 19

Patrick K Kane

Lt 18

Patrick K Kane

Pt Lt 17 AP 485

Patrick K Kane

Pt 16&17 AP 485

Patrick K Kane

Lt 15

William M Morrison

Lt 14

William M Morrison

Lt 13

William M Morrison

PUBLIC HEARING - MOUNTAIN VIEW ZONINGFebruary 18, 1994

The meeting was called to Order by Commissioner Powell. Commissioner Powell explained the petition process for the proposed zoning of a portion of Mountain View Orchards, Blocks 3 and 4. If The Commissioners decide to create the zoning district, a notice of intent to create the zone will be published in the Bitterroot Star. After the first publication, if the Commissioners receive written protest from 40% or more of the owners within the district within thirty days, then the district can not be established at this time or during a one years period of time after the notice of intent. However if the Commissioners do not receive the 40% opposition the district would be created by a resolution by the Board.

Commissioner Powell asked for proponents for the creation of the zoning district. Patrick Kane spoke in behalf of the group indicating they had followed the Ravalli County outline for the procedures in establishing a zoning district. The group has a 80% approval rate, and out of the actual residents who live on the property they have a 100% approval rate. The zoning petition has been designed to support the subdivision regulations now in effect for Ravalli County, the idea for these residents is to protect and preserve the way of life they now have. This zone that the group is petitioning for would have no adverse impact on local services provided, there would be no adverse impact on the natural environment, in that they would be protecting the natural wildlife and habitat that are in existence in the area. Mr. Kane further stated that if they could maintain a reasonable growth rate in the area the zone would not have an adverse impact on public health and safety. The group feels the zoning district is consistent with the traditional land use of agricultural. With the minimum lot size of four acres the group did not feel they would be overtaxing the existing aquifer nor the surface water contamination.

Mr. Kane also indicated that by zoning this area they would be preventing the introduction of additional mobile homes into a traditionally agricultural area. This would also limit the vehicular traffic on a narrow dirt road and would therefore limit the dust and the uncontrolled weeds that would come from pasture land being turned into vacant lots. The zoning would also limit the noise verses the traditional quiet, the dogs vs the livestock problem, and limit the heavy use on the irrigations system that is designed for agricultural use.

Relative to the irrigation system installed, there are three inch main line risers that work off of high pressure. With small

parcels of land, the system would have to be redesigned and reconstructed at a great deal of expense. The irrigation system was designed to irrigate pasture and alfalfa fields.

Mr. Kane felt the zoning would set a precedent for adjacent land owners by limiting further radical subdivisions in the area. The zone would also limit the profit potential for people coming into the area wanting to override the current rural lifestyle of the residents in the area. In addition, the well logs in the area indicated that the aquifer will not support any more heavy residential development. Many of the wells are 4 gallons per minute at 200 feet deep, and the high production well in the area is 20 gallons per minute at 200 feet deep, which goes to show that the area will not sustain a lot of development.

Proponent Reno Peressino indicated that the area is under a gravity type irrigation system which is part of a water project.

Proponent John Dale lives to the north of the property, and he is the repairman of the irrigation system in the Mountain View area. He indicates the system would need major changes costing around \$15,000.00 to accommodate other irrigation needs because of the pressure system it operates under.

Commissioner Powell asked for any opponents to the creation of the zone. No opponents were present.

Commissioner Powell indicated the Board and County Planner, Tim Schwecke would have some questions for the proponents relative to the regulations they had submitted for clarification purposes.

Under Section 4, Agriculture, the regulations show the definition of commercial feed lot operations and commercial pig farms are excluded from their definition. Commissioner Powell asked for clarification of the commercial feed lots. Commissioner Allen expressed a concern of someone who was raising pigs or other animals for 4-H or personal usage who needed to bring in feed.

All of the proponents present felt they did not want to limit the number of pigs for someone raising them for personal or 4-H purposes. They indicated their purpose was to keep anyone from having an operation or business raising many pigs. After much discussion the general consensus from the proponents was that the number of pigs should be limited to two pigs.

The second concern the Commissioners had with the proposed regulations was in Section 8, Accessory Structures. Under their intent to have single family dwellings, one of the current proponents, Reno Peressini would be in violation for having a apartment or living quarters above his garage and the house he currently lives in. Under section 15, d-3 Mr. Peressini would also be non-conforming because he has not lived in the apartment

above his garage for over six months.

After much discussion, the group's consensus was that they had no objections, as far as the non conforming use, for Mr. Peressini or any future resident to use the apartment.

Another clarification requested by the Board was in Section 15, e-4, under nonconforming structures. Commissioner Allen asked if an existing mobile burned down would the resident be forced to replace with a house or modular home. The consensus from the group was the resident could replace with another mobile home.

County Planner, Tim Schwecke indicated he would correct the language in the proposed zoning to reflect the groups desires. Commissioner Powell adjourned the meeting by advising the group that a Notice of Intent would be advertised in the Bitterroot Star, and if the required amount of objections were not met the zone would be implemented.

The meeting was adjourned.



APRIL 29, 1994

Feb 18 Public Hearing Mountain  
View Zone

Please Print your name!

Patrick K. Kline  
Wilson J. Schenck  
Bettye J. Dechtold  
Earl R. Dechtold

John E. Dale  
Rose Marie Dale

Arund Peressini (Reno)  
Violet Peressini